

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

EASTSIDE LINCOLN MERCURY, INC. ET AL.,	:	CASE NO. C-1-01-567
	:	
Plaintiffs,	:	Judge William O. Bertelsman
	:	
v.	:	<u>PLAINTIFF'S PRETRIAL WITNESS DISCLOSURES</u>
FORD MOTOR COMPANY, ET AL.,	:	
	:	
Defendants.	:	

Pursuant to F.R.C.P. 26 (a) (2) and (3) and this Court's Pretrial Order, Plaintiff Eastside Lincoln Mercury ("ELM" or "Eastside"), hereby makes its pretrial disclosure of expert and lay witnesses.

A. EXPERT WITNESS

Roger Bean, CPA, will testify in accordance with his report of November 8, 2004, that updates and supplements his report of October 15, 2003. He will testify as to the damages suffered by ELM and caused by Ford in the areas of warranty sales losses, denial of relocation losses, denial of LPE status losses, vehicle allocation losses, increased borrowing costs, "blue sky" or dealership valuation losses, and improper financial assistance to ELM's competitors. Mr. Bean will testify as to dealership operations generally, warranty sales operations (as well as the effects of audits thereon), relocation proposals and the requirements thereof, dealership "dualing" and the efficiency thereof, the costs and inefficiencies of "exclusive" representation of vehicles (and subsidies offered to offset such expenses), vehicle allocation and the effects of unfair or discriminatory allocation,

dealership valuation, and the impact of the discriminatory distribution of marketing monies. Mr. Bean will testify as to the various valuation models that he employed at arriving at his conclusions. He will also testify in accordance with his deposition. A copy of Mr. Bean's revised report is filed herewith.

Mr. Bean will also rebut the conclusions drawn by Ford's alleged expert, Mark Schmitz, PhD. Mr. Bean will testify that the assumptions made by Mr. Schmitz in formulating his opinions are incorrect, speculative and, in some instances, irrational.

B. LAY WITNESSES

Plaintiff witnesses

ELM intends to offer the following witnesses on direct examination.

1. William J. Woeste, Jr., President/Dealer Principal, Eastside Lincoln Mercury, Inc., 429 Ohio Pike, Cincinnati, Ohio, 45255, (513) 388-3700. In addition to his deposition testimony, Mr. Woeste will testify as to the history of the ELM organization and its growth, operations, successes and future; its experience with Ford warranty audits, their findings, consequences and impact on ELM's service business; his attempts to secure Lincoln Mercury's ("LM") approval to relocate Eastside to another part of his dealership campus and dual service and the results of Ford's refusal; his attempts to secure fair distribution of vehicle allocations, marketing and advertising assistance, participation in the LPE and MA programs and the results of Ford's failure to provide same. Mr. Woeste will also testify regarding the Defendants' efforts to implement Ford's Market Consolidation program, the value of his dealership as a consequence of the program, and his intention to retain the dealership. He will testify as to

discussions with Defendant Reichert concerning whether he was interested in selling Eastside and the possible purchase of other dealerships, and conversations about dualing. He will also testify as to Mr. Reichert's request to dual Fairfield Lincoln Mercury and Ford's action thereon, and Ford's permission for him to dual Northgate Lincoln Mercury and Ford's actions thereon.

Mr. Woeste will also testify regarding dealership operations, generally, the success of his other automobile dealerships, and his automotive group's level of expertise in operating dealerships. He will testify as to the losses suffered by ELM as a result of the Defendants' actions.

2. **James Woodall**, Operations Manager, Eastside Lincoln Mercury, Inc., 429 Ohio Pike, Cincinnati, Ohio, 45255, (513) 388-3700. In addition to his deposition testimony, he will testify will testify as to the history of the ELM organization and its growth, operations, successes and future; its experience with Ford warranty audits, their findings, consequences and impact on ELM's service business; ELM's attempts to secure Ford's approval to relocate Eastside to another part of the Beechmont dealership campus and dual service and the results of Ford's refusal; ELM's attempts to secure fair distribution of vehicle allocations, marketing and advertising assistance, participation in the LPE and MA programs and the results of Ford's failure to provide same. Mr. Woodall will also testify regarding the Defendants' efforts to implement Ford's Market Consolidation program, the value of the ELM dealership as a consequence of the program, and Mr. Woeste's intention to retain the dealership.

Mr. Woodall will also testify regarding dealership operations, generally, the success of the other Beechmont Automotive dealerships, and the automotive group's level of expertise in operating dealerships. He will testify as to the losses suffered by ELM as a result of the Defendants' actions.

3. **George Beattie**, General Manager, Eastside Lincoln Mercury, Inc., 429 Ohio Pike, Cincinnati, Ohio, 45255, (513) 388-3700. In addition to his deposition testimony, Mr. Beattie will testify as to the day to day operation of ELM, its history, growth, operations, successes and future; ELM's experience with Ford warranty audits, their findings, consequences and impact on ELM's service business; ELM's attempts to secure Ford's approval to relocate Eastside to another part of the Beechmont Automotive's dealership campus and dual service and the results of Ford's refusal; his attempts to secure fair distribution of vehicle allocations, marketing and advertising assistance, participation in the LPE and MA programs and the results of Ford's failure to provide same. Mr. Beattie will also testify regarding the Defendants' efforts to implement Ford's Market Consolidation program, the value of the ELM dealership as a consequence of the program, and Mr. Woeste's intention to retain the dealership.

Mr. Beattie will also testify regarding dealership operations, generally, the success of the other Beechmont Automotive dealerships, and the automotive group's level of expertise in operating dealerships. He will testify as to the losses suffered by ELM as a result of the Defendants' actions.

4. **Al Schimweg**, Parts and Service Director, Eastside Lincoln Mercury, Inc., 429 Ohio Pike, Cincinnati, Ohio, 45255, (513) 388-3700. Mr. Schimweg will

testify as to Eastside's service operations, its disputes with Ford regarding warranty service claims and procedures, the manner in which Ford conducts warranty operations and audit procedures, and the impact of repeated audits on writing warranty service claims.

5. **Greg Ackerman**, former Ford Certified Master Service Technician, Eastside Lincoln Mercury, Inc., 429 Ohio Pike, Cincinnati, Ohio, 45255, (513) 388-3700. Mr. Ackerman will testify as to his level of training and expertise in LM/Ford's technician's programs, Eastside's service operations, disputes with Ford regarding warranty service claims and procedures, the manner in which Ford conducts warranty operations and audit procedures, conversations with warranty auditors and the impact of repeated audits on writing warranty service claims.

6. **Steve Ackerman**, Ford Certified Master Service Technician, Eastside Lincoln Mercury, Inc., 429 Ohio Pike, Cincinnati, Ohio, 45255, (513) 388-3700. Mr. Ackerman will testify as to his level of training and expertise in LM/Ford's technician's programs, Eastside's service operations, disputes with Ford regarding warranty service claims and procedures, the manner in which Ford conducts warranty operations and audit procedures, conversations with warranty auditors and the impact of repeated audits on writing warranty service claims.

7. **Bill Hudson**, former Service Manager, Eastside Lincoln Mercury, Inc., 429 Ohio Pike, Cincinnati, Ohio, 45255, (513) 388-3700. Mr. Hudson will testify as to Eastside's service operations, disputes with Ford regarding warranty service claims and procedures, the manner in which Ford conducts warranty operations and

audit procedures, and the impact of repeated audits on writing warranty service claims.

8. **Scott Webb and Robert Treadon**, Designer and Owner, Robert Treadon & Associates, 612 First National Bank Building, Hamilton, Ohio, 45011. Mr. Webb and Robert Treadon prepared a schematic for the proposed relocation and “service dual” of Eastside Lincoln Mercury on another Woeste owned dealership property on Beechmont Avenue.

9. **Kelly Blair**, HR Director, Beechmont Automotive Group, 429 Ohio Pike, Cincinnati, Ohio, 45255, (513) 388-3700. Mr. Blair will testify regarding his photographs of the competitor Lincoln Mercury Stores and duals in the Cincinnati Market.

10. **Jim Mohrfield**, General Sales Manager, Eastside Lincoln Mercury, 429 Ohio Pike, Cincinnati, Ohio, 45255, (513) 388-3700. Mr. Mohrfield will testify as to his past success in used car sales at Reichert/KDG, the used car sales and goals at ELM, and the efforts taken to improve ELM’s used car sales and profitability.

11. **Manuel Eugene Mullins**, former General Sales Manager, Northgate Lincoln Mercury, 1698 Fairside Court, Florence, Kentucky 41042, cell phone: (859) 750-3495. In addition to his deposition and affidavit testimony, Mr. Mullins will testify regarding the operations of Northgate Lincoln Mercury (owned by Defendant Reichert/KDG) and competitive issues with Eastside. He will testify as to Ford’s preferential vehicle allocations to Defendant Reichert/KDG dealers; preferential allocation of marketing and advertising assistance to Reichert/ KDG

dealers; and the conspiracy between Ford and Reichert/KDG to put Eastside at a competitive disadvantage and/or drive it out of business. Mr. Mullins will also testify as to admissions by Ford personnel that it intended to punish Eastside for its low pricing structure, and that it was diverting cars from Eastside to Reichert/KDG dealers.

Mr. Mullins will testify about his experiences working for the Kenwood Dealer Group ("KDG"). He will testify regarding admissions made and actions undertaken by representatives of Ford and KDG which establish their cooperative efforts to damage Eastside Lincoln Mercury's ("ELM") operations for the purpose of achieving ELM's closure or sale to KDG. These efforts were done in full cooperation between Ford and KDG and included, but were not limited to the following:

- 1) preferential allocation of vehicles to KDG and reduction of ELM's vehicle allocation,
- 2) distribution of marketing money, financial assistance, and other financial benefits to KDG dealerships, often through "sham" contests and vehicle programs, which were neither offered nor made available to ELM,
- 3) training sales staff to advise customers that KDG received preferential treatment and vehicle allocations from Ford which were not available to ELM and that KDG would soon be the only Lincoln Mercury dealer in the area, and
- 4) refusal to "dealer trade" with ELM to further deprive ELM of the opportunity to sell vehicles.

Mr. Mullins will also testify as to similar conduct by Ford and KDG with regard to the Jim Dixon Lincoln Mercury operation and Dixon's eventual sale to KDG.

12. **Henry C. Dolive**, Anderson Twp. Director of Developmental Services, 7954 Beechmont Avenue, Cincinnati, Ohio, 45255. Mr. Dolive will testify as to his aerial photographs of the Beechmont Automotive Group facilities and, in particular, ELM and the proposed relocation site at Beechmont Isuzu.

13. **Jeff Wyler**, Eastgate Automall, 1117 State Route 32, Batavia, Ohio 45103. Mr. Wyler will testify about the factual allegations and claims contained in the complaint. In particular, Mr. Wyler will testify about his purchase of the Stillpass LM store, the efforts made by Jerry Carter to consolidate the Cincinnati LM market, and the adverse impact of the consolidation effort on his operations. He will also testify as to the purchase price paid by LM Division of Ford for his LM franchise.

14. **Jim Dixon**, former Owner, Jim Dixon Lincoln Mercury, present address unknown. Mr. Dixon will testify about the factual allegations and claims contained in the complaint. In particular, Mr. Dixon will testify about the sale of his LM store, the efforts made by Jerry Carter to consolidate the Cincinnati LM market, and the adverse impact of the consolidation effort on his operations. He will also testify as to the purchase price paid by LM Division of Ford for his LM franchise.

15. **Stan Stillpass**, former Owner, Stillpass Lincoln Mercury, 8020 Springvalley Drive, Cincinnati, Ohio 45236, (513) 631-0500. Mr. Stillpass will testify about the sale of his LM store, the efforts made by Jerry Carter to consolidate the Cincinnati LM market, and the adverse impact of the

consolidation effort on his operations. He will also testify as to the purchase price paid by Jeff Wyler for his LM franchise.

16. **Simon Fryson**, as on cross-examination, former Owner, Lincoln Mercury of Florence, Inc., 8137 Burlington Pike, Florence, Kentucky 41042. Mr. Fryson will testify about his purchase of the Florence LM store and the terms of that purchase.

17. **Pat Cronin**, as on cross-examination, Owner, Cronin Lincoln Mercury, 3485 Commerce Drive, Franklin, Ohio 45005, (513) 420-9333. Mr. Cronin will testify about the factual allegations and claims contained in the complaint. Mr. Cronin will testify regarding the competitive advantages of dualing and the facts and circumstances surrounding LM's permission for him to dual his LM operation with a direct competitor, Chrysler/Jeep, in a Chrysler "signature" building.

Defendant witnesses

ELM intends to call the following witnesses associated with the Defendants as on cross-examination.

1. **Randy Baughman**, Global Warranty Operations, Ford Customer Service Division, Ford Motor Company, 16800 Executive Plaza Drive, Dearborn, Michigan, 48126. Mr. Baughman will testify regarding those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff's complaint.

2. **Forrest Brown**, Contracts Administrator, Lincoln Mercury Secretary to Ford Motor Company, Lincoln Mercury Division, Ford Motor Company, 16800 Executive Plaza Drive, Dearborn, Michigan, 48126. Mr. Brown will testify regarding

those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff's complaint.

3. **Steve Carnegie**, former Cincinnati Region Manager, Lincoln Mercury Division, Ford Motor Company, Regent Court, 16800 Executive Plaza Drive, Dearborn, Michigan, 48126. Mr. Carnegie will testify regarding those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff's complaint. Mr. Carnegie will also testify regarding his conduct after the Complaint was filed and requests made by ELM to relocate and/or dual operations.

4. **Jerry Carter**, former Cincinnati Region Manager, Lincoln Mercury Division, Ford Motor Company, 4680 Parkway Drive, Mason, Ohio, 45040, (513) 573-1073. Mr. Carter will testify regarding those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff's complaint.

5. **Michael J. Crowley**, former Lincoln Group Brand Manager, Lincoln Mercury Division, Ford Motor Company, Regent Court, 16800 Executive Plaza Drive, Dearborn, Michigan, 48126. Mr. Crowley will testify regarding those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff's complaint.

6. **John Csernotta**, former Director, LPE Program, Lincoln Mercury Division, Ford Motor Company, Regent Court, 16800 Executive Plaza Drive, Dearborn, Michigan, 48126. Mr. Csernotta will testify regarding those issues

addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff's complaint.

7. **Keith Ertel**, Former Cincinnati Retail Development Manager for Lincoln Mercury, Lincoln Mercury Division, Ford Motor Company, Regent Court, 16800 Executive Plaza Drive, Dearborn, Michigan, 48126. Mr. Ertel will testify regarding those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff's complaint.

8. **Michelle Erwin**, Former Lincoln Mercury Division, Cincinnati Region Retail Development Manager, Lincoln Mercury Division, Ford Motor Company, Regent Court, 16800 Executive Plaza Drive, Dearborn, Michigan, 48126. Ms. Erwin will testify regarding her inspections of Eastside's facility, her efforts to encourage Mr. Woeste to relocate ELM to the Isuzu property and build a "signature" LM facility, and conversations between Jerry Carter and William Woeste, Jr. regarding Mr. Carter's desire to purchase Eastside. Additionally, Ms. Erwin will testify about the factual allegations and claims contained in the Plaintiff's complaint.

9. **Lawrence Feldhaus**, General Manager, Kings Lincoln Mercury, Inc., 9018 Fields Drive, Mason, Ohio 45040. Mr. Feldhaus will testify regarding those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff's complaint. He will also be asked to testify about recent comments he made at a LM dealer meeting that 1) if duals weren't included in number of profitable dealers in the Cincinnati Region, there would be fewer or no profitable dealers, 2) that Mr. Giombetti admitted that the new dealer

incentive program would cause of loss of thirty percent (30%) of the LM dealers, 3) that if LM was trying to get rid of 30% of the dealers, the new program was a good way of doing it, and 4) his dealership “eats stuff [warranty claims] all the time” to avoid getting into the warranty counseling process.

10. **Timothy Fisher**, Allocation Specialist, Lincoln Mercury Division, Ford Motor Company, Regent Court, 16800 Executive Plaza Drive, Dearborn, Michigan, 48126. Mr. Fisher will testify regarding those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff’s complaint.

11. **Amy Lyn Gabrion**, Global Warranty Operations, Ford Customer Service Division, Ford Motor Company, 16800 Executive Plaza Drive, Dearborn, Michigan, 48126. Ms. Gabrion will testify regarding those issues addressed in her discovery deposition and the factual allegations and claims contained in the Plaintiff’s complaint.

12. **Constance Galloway**, Administrative Assistant Ford Credit & Cincinnati Sales Office, 4680 Parkway Drive, Mason, Ohio 45040. Ms. Galloway will testify in accordance with her discovery deposition and the factual allegations and claims contained in the Plaintiff’s complaint..

13. **Warren Gardis**, former Lincoln Mercury Division Cincinnati Region Business Development Manager, Lincoln Mercury Division, Ford Motor Company, 4680 Parkway Drive, Mason, Ohio 45040. Mr. Gardis will testify regarding those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff’s complaint.

14. **Al Giombetti**, General Sales Manager, Lincoln Mercury Division, Regent Court, 16800 Executive Plaza Drive, Dearborn, Michigan, 48126. Mr. Giombetti will testify regarding the recent comment he made in a “grass roots” LM dealer meeting that LM has introduced a dealer incentive program that it expects to cause 30% attrition of existing Lincoln Mercury dealers. Mr. Giombetti will also testify about the trends he expects for the brand.

15. **James F. Gwaltney**, former General Sales Manager, Lincoln Mercury Division, Ford Motor Company, Regent Court, 16800 Executive Plaza Drive, Dearborn, Michigan, 48126. Mr. Gwaltney will testify regarding those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff’s complaint.

16. **Craig Hall**, former Cincinnati General Zone Manager, Lincoln Mercury Division, Ford Motor Company, Regent Court, 16800 Executive Plaza Drive, Dearborn, Michigan, 48126. Mr. Hall will testify regarding those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff’s complaint. He will also testify as to whether he was the person who provided ELM with confidential Ford documents that proved Jerry Carter was attempting to devalue the LM franchise in an effort to complete the Cincinnati market consolidation.

17. **Darryl Hazel**, President, Lincoln Mercury Division, Ford Motor Company, Regent Court, 16800 Executive Plaza Drive, Dearborn, Michigan, 48126. Mr. Hazel will testify regarding recent comments made in a “grass roots” LM dealer meeting that LM has introduced a dealer incentive program that it

expects to cause 30% attrition of existing Lincoln Mercury dealers. Mr. Hazel will also testify regarding comments he made about the LM brands and LM dealers in an interview he gave in a recent issue of Dealer Magazine, November 2004 ed. Mr. Hazel will also testify about the trends he expects for the brand.

18. **Bob Huser**, General Manager Fairfield Lincoln Mercury, Inc., 6195 Dixie Highway, Fairfield, Ohio 45014. Mr. Feldhaus will testify regarding those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff's complaint.

19. **Mike Leary**, Region Manager, Ford Customer Service Division, Ford Motor Company, 4680 Parkway Drive, Mason, Ohio 45040. Mr. Leary will testify regarding the warranty counseling process and statements he recently made at a LM "grass roots" dealer meeting that of all the Ford and LM franchises monitored by FCSD (in excess of 5,000), only 100 are warranty audited per year and only 500 are warranty "reviewed" each year because of limited resources of GWO/FCSD.

20. **Pat LeTarte**, former Cincinnati Zone Manager, Lincoln Mercury Division, Ford Motor Company, 4680 Parkway Drive, Mason, Ohio 45040. Mr. Letart will testify regarding those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff's complaint.

21. **Michael Lombardi**, former Director, Customer Service Operations, Ford Motor Company, Regent Court, 16800 Executive Plaza Drive, Dearborn, Michigan, 48126. Mr Lombardi will testify regarding those issues addressed in

his discovery deposition and the factual allegations and claims contained in the Plaintiff's complaint.

22. **Judy McLachlan**, former FCSD Zone Manager, Ford Customer Service Division, Ford Motor Company, 4680 Parkway Drive, Mason, Ohio 45040. Ms. McLachlan will testify regarding the factual allegations and claims contained in the Plaintiff's complaint. In particular, Ms. McLachlan will testify regarding her knowledge of the warranty counseling process, warranty claims, warranty audits and penalties imposed or sought to be imposed on ELM.

23. **Jerry Mullins**, General Manager Northgate Lincoln Mercury, 6365 Hummingbird Drive, Mason, Ohio 45040. Mr. Mullins will testify regarding those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff's complaint.

24. **Robert C. Reichert**, President of Kenwood Dealer Group, 9600 Kings Automall Road, Cincinnati, Ohio 45249. Mr Reichert will testify regarding those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff's complaint. He will also be examined about recent statements he made in an article in Dealer Magazine, November 2004 ed.

25. **Monica Rivers**, former Dealer Operations Manager, Ford Customer Service Division, Ford Motor Company, 4680 Parkway Drive, Mason, Ohio 45040. Ms. Rivers will testify regarding those issues addressed in her discovery deposition and the factual allegations and claims contained in the Plaintiff's complaint.

26. **Ernie Rouse**, Warranty Claims Auditor, Ford Customer Service

Division, Regent Court, 16800 Executive Plaza Drive, Dearborn, Michigan 48126. Mr. Rouse will testify regarding the factual allegations and claims contained in the Plaintiff's complaint. In particular, Mr. Rouse will testify regarding ELM's third audit and his knowledge of the warranty counseling process, warranty claims, warranty audits and penalties imposed or sought to be imposed on ELM. Mr. Rouse will testify regarding comments he made to ELM personnel before, during and after the audit, including his pre-audit comments that he would find fraud, his mid-audit comments that he found none, and his post-audit comment that "adding a few wiper blades" would reduce the dollars per claim on the 126 report.

27. **Thomas Shelley**, Cincinnati Region Manager, Lincoln Mercury Division, Ford Motor Company, 4680 Parkway Drive, Mason, Ohio, 45040, (513) 573-1073. Mr. Shelley will testify as to communications with Eastside concerning its request to relocate and dual its operations. He will also testify that he was surprised by statements made by Mr. Giombetti at a recent "grass roots" LM dealer meeting that LM has introduced a dealer incentive program that it expects to cause 30% attrition of existing Lincoln Mercury dealers. He will also testify that he agreed duals were the only profitable LM stores at present. Mr. Shelley will also testify regarding market representation and facilities actions in the Cincinnati market since the departure of Mr. Carter and Mr. Carnegie.

28. **Jeff Thorman**, Regional Development Manager, Lincoln Mercury Division, Ford Motor Company, 4680 Parkway Drive, Mason, Ohio, 45040, (513) 573-1073. Mr. Thorman will testify as to communications with Eastside concerning its request to relocate and dual its operations. Mr. Thorman will also

testify regarding market representation and facilities actions in the Cincinnati market during his tenure.

29. **Al Walls**, former Region Manager, Ford Customer Service Division, Ford Motor Company, 4680 Parkway Drive, Mason, Ohio 45040. Mr. Walls will testify regarding those issues addressed in his discovery deposition and the factual allegations and claims contained in the Plaintiff's complaint.

30. **Matt Wilson**, Lincoln Mercury Retail Development Manager, Lincoln Mercury Division, Ford Motor Company, 4680 Parkway Drive, Mason, Ohio, 45040, (513) 573-1073. Mr. Wilson will testify concerning suggestions he made to Plaintiff regarding means to achieve higher dealer profitability.

The Plaintiff, Eastside Lincoln Mercury, Inc., reserves the right to supplement this list based on evidence introduced at trial by the Defendants that could not be anticipated. The Plaintiff also reserves the right to call any witnesses identified by the Defendants as on cross-examination.

Respectfully submitted,

_____/s/_____
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Plaintiff's Pretrial Disclosures was served via ecf filing this 9th day of November, 2004, to the following:

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and

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_____/s/_____
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